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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,575	03/12/2004	John T. Strom	044182 / 308721	6463

7590 02/23/2006  
Pillsbury Winthrop LLP  
Intellectual Property Group  
Suite 200  
11682 El Camino Real.  
San Diego, CA 92130-2092

EXAMINER
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PATEL, PARESH H

ART UNIT	PAPER NUMBER
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2829

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/799,575	<b>Applicant(s)</b> STROM, JOHN T.	
	<b>Examiner</b> Paresh Patel	<b>Art Unit</b> 2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Group I (claims 1-7) in the reply filed on 12/05/2005 is acknowledged. The traversal is on the ground(s) that sufficient similarities exist in the subject matter to allow a search and examination of the combined Group I and Group II (and Group I and Group III) claims to be made without serious burden. This is not found persuasive because they are distinct invention for the same reason as mention in the last office action.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hershel et al. (US 6710798).

Regarding claim 1, Hershel et al. (hereafter Hershel) in fig. 1, 3 and 9 discloses a method of obtaining planarity measurements in a probe card analysis system [30]; said method comprising:

computing [using 40, see lines 17-23 of column 6] planarity effects due to fiducial plate [50] deflection;

combining planarity effects [using 24 and 14] due to probe card [lines 46-67 of column 5] deflection and due to probe card fixture [20] deflection; and

responsive to said computing and said combining, calculating a load compensated planarity [using program of 14, see lines 40-56 of column 8] for said probe card.

Regarding claim 2, Hershel discloses the method of claim 1 further comprising accounting [using 34, 54, see fig. 3] for planarity effects due to stage deflection [lines 9-30 of column 7] and wherein said calculating is further responsive to said accounting.

Regarding claim 3, Hershel discloses the of claim 2, wherein said accounting comprises utilizing a distance sensor proximate to said stage deflection [lines 31-46 of column 7].

Regarding claim 4, Hershel discloses the method of claim 1 wherein said computing comprises utilizing an optical metrology technique [using 40].

Regarding claim 7, Hershel discloses the method of claim 1 wherein said combining comprises:

obtaining measurements [using 14] of optical planarity and electrical planarity for said probe card;

measuring fiducial plate deflection [using 40] at first electrical contact; and responsive to said obtaining and said measuring, computing a combined deflection value for said probe card and said probe card fixture [using 14].

#### ***Allowable Subject Matter***

4. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to meet the limitations of claims 5-6 calling for a method of obtaining planarity measurements in a probe card analysis system, wherein utilizing an optical metrology technique comprises: acquiring image data of a fiducial on said fiducial plate; responsive to said acquiring, identifying deflection data values representative of a deflection of said fiducial plate; and responsive to said identifying, providing correction data values enabling a first order correction of said deflection.


#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paresh Patel whose telephone number is 571-272-1968. The examiner can normally be reached on 8:00 to 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Paresh Patel 02/21/06  
Primary Examiner  
Art Unit 2829

February 21, 2006